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2 **MANNING & KASS**
3 **ELLROD, RAMIREZ, TRESTER LLP**

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7 Attorneys for Defendant

8 KOHL'S DEPARTMENT STORES

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 TOMAS CASTILLO,

12 Plaintiff,

13 v.

14 KOHL'S DEPARTMENT STORES,
INC., and DOES 1 to 20,

15 Defendants.

Case No.

**DEFENDANT KOHL'S
DEPARTMENT STORES' NOTICE
OF REMOVAL OF ACTION
UNDER 28 U.S.C. §1441(b);
DEMAND FOR JURY TRIAL**

Action Filed: 11/07/2018

17 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

18 PLEASE TAKE NOTICE that Defendant Kohl's Department Stores, Inc.,
19 hereby removes to this Court the State Court action described below:

20 1. On November 2, 2018, Plaintiff Tomas Castillo filed this action in the
21 Superior Court of the State of California, County of Orange, as Case No. 30-2018-
22 01030203-CU-PD-CJC. A true and correct copy of the summons and complaint are
23 attached hereto as Exhibit "A."

24 2. On December 19, 2018, Defendant Kohl's Department Stores, Inc., filed its
25 answer to the complaint. A true and correct copy of the answer is attached hereto as
26 Exhibit "B."

27 3. On January 24, 2019, Plaintiff served his Statement of Damages on
28 Defendant. A true and correct copy of the Statement of Damages is attached hereto

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ATTORNEYS AT LAW

1 as Exhibit "C."

2 4. This action is a civil action of which this Court has original jurisdiction under
3 28 U.S.C. §1332, and is one which may be removed to this Court by Defendant
4 Kohl's, pursuant to the provisions of 28 U.S.C. §1441, in that it is a civil action
5 between citizens of different states and the matter in controversy exceeds the sum of
6 \$75,000, exclusive of interest and costs.

7 5. Diversity of the parties exists as Plaintiff Tomas Castillo is a citizen of the
8 State of California.

9 6. Defendant Kohl's is a Delaware corporation with its principal place of
10 business in Menomonee Falls, WI.

11 7. In Plaintiff's Statement of Damages, he asserts general damages of \$90,086.39
12 and special damages of \$59,139.61 plus an amount for loss of earnings to be
13 determined.

14 8. Thus, the amount in controversy in this action exceeds the \$75,000
15 jurisdictional limit established by 28 U.S.C. §1332(a).

16
17 DATED: January 29, 2019

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

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19
20 By: 
21

22 Jeffrey M. Lenkov, Esq.
23 Attorneys for Defendant, KOHL'S
24 DEPARTMENT STORES, INC.
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DECLARATION OF ROBERT P. WARGO

I, Robert P. Wargo, declare that:

1. I am an attorney at law duly licensed to practice before this Court and all of the courts of the State of California. I am Senior Counsel at Manning & Kass, Ellrod, Ramirez, Trester LLP, the attorneys for Defendant Kohl's Department Stores, Inc., in this action. If called upon to do so, I could and would testify to the following from my personal knowledge, except as to those matters stated on information and belief, as to which I believe them to be true.

2. On November 2, 2018, Plaintiff Tomas Castillo filed this action in the Superior Court of the State of California, County of Orange, as Case No. 30-2018-01030203-CU-PD-CJC. A true and correct copy of the summons and complaint are attached hereto as Exhibit "A."

3. On December 19, 2018, Defendant Kohl's Department Stores, Inc., filed its answer to the complaint. A true and correct copy of the answer is attached hereto as Exhibit "B."

4. On January 24, 2019, Plaintiff served his Statement of Damages on Defendant. A true and correct copy of the Statement of Damages is attached hereto as Exhibit "C."

5. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by Defendant Kohl's, pursuant to the provisions of 28 U.S.C. §1441, in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

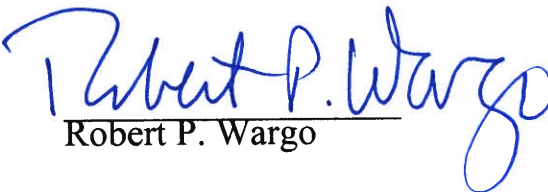
6. Diversity of the parties exists as Plaintiff Tomas Castillo is a citizen of the State of California.

7. Defendant Kohl's is a Delaware corporation with its principal place of business in Menomonee Falls, WI.

1 8. In Plaintiff's Statement of Damages, he asserts general damages of \$90,086.39
2 and special damages of \$59,139.61 plus an amount for loss of earnings to be
3 determined.

4 9. Thus, the amount in controversy in this action exceeds the \$75,000
5 jurisdictional limit established by 28 U.S.C. §1332(a).

6 I declare under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct and that this declaration was executed
8 at Los Angeles, California on January 29, 2019

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11 Robert P. Wargo

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1 **DEMAND FOR JURY TRIAL**

2 Defendant KOHL'S DEPARTMENT STORES, INC., hereby demands trial
3 of this matter by jury.

4
5 DATED: January 29, 2019

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

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7
8 By: Robert P. Wargo
9 SBN 175177 for

10 Jeffrey M. Lenkov, Esq.
11 Attorneys for Defendant, KOHL'S
12 DEPARTMENT STORES, INC.
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